

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

66cv06639 MV/WPL

R. LEE AAMODT *et al.*,

Defendants,

and

UNITED STATES OF AMERICA,

PUEBLO DE NAMBÉ,

PUEBLO DE POJOAQUE,

PUEBLO DE SAN ILDEFONSO,

and PUEBLO DE TESUQUE,

Plaintiffs-in-Intervention.

**MEMORANDUM OPINION AND ORDER**

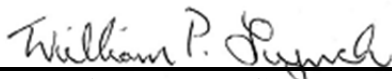
**THIS MATTER** comes before the Court on the State of New Mexico's Motion to Set Briefing Schedule on Objections to Special Master's Orders Granting Summary Judgment to the State Regarding Subfiles PM-67833, PM-77023 and PM-68445. (Doc. 8345, filed March 31, 2014). For the reasons stated below, the Court will **GRANT** the motion.

Between March 12, 2014 and March 2014, Defendants Arsenio Trujillo, Mary Habeeb, and Darren Quintana and Melissa Ortiz ("Defendants") filed objections to the Special Master's Reports granting summary judgment in favor of the State regarding the Defendants' subfiles. The State seeks a deadline of April 30, 2014 to file its response and a deadline of May 15, 2014 for Defendants to file their replies. The State seeks the extended deadlines "due to the fact that [the State] is currently devoting significant resources to responding to *Aamodt* Settlement questions from water right claimants, and undertaking extensive community outreach regarding the *Aamodt* Settlement Agreement, including twenty (20) public meetings."

Defendants oppose the State's motion arguing that the State waived its right to file a response because the State did not timely file its response or request an extension of time before the deadline for filing a response expired. (Doc. 9295).

The Court will grant the motion. The extension the State seeks is not unreasonable given the considerable amount of activity occurring in this case to meet the congressionally mandated deadline of 2017 for entry of a final decree. The Court notes that 950 documents were filed in this case between the filing of the State's motion and the filing of Defendants' response. Defendants' argument that the State waived its right to file a response because the State did not timely file a request for an extension is not persuasive. *See United States ex rel. The Precision Co. v. Koch Industries, Inc.*, 31 F.3d 1015, 1018 (10th Cir. 1994) ("The Federal Rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits."). Allowing the State to file responses will assist the Court in making well-reasoned rulings on Defendants' objections. *See Headrick v. Rockwell Int'l Corp.*, 24 F.3d 1272, 1277-78 (10th Cir. 1994) (courts depend on the adversarial process for sharpening the issues for decision thereby minimizing the risk of an improvident or ill-advised opinion). The State's responses are due on April 30, 2014. The Defendants' replies are due on May 15, 2014.

**IT IS SO ORDERED.**

  
**WILLIAM P. LYNCH**  
**UNITED STATES MAGISTRATE JUDGE**